

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

HAYDEE MADRIGAL
1475 S Mills Ave
Lodi, CA 95242

Registered Nurse License No. 601549

Respondent

Case No. 2010-7

OAH No. 2010010999

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **July 7, 2010**.

IT IS SO ORDERED **June 7, 2010**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 RITA M. LANE
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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-7

12 **HAYDEE MADRIGAL, RN**
13 **502 J Street**
14 **Latrhop, CA 95330**

OAH No. 2010010999

15 **Registered Nurse License No. 601549**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Rita M. Lane, Deputy Attorney General.

25 2. Respondent Haydee Madrigal, RN is represented in this proceeding by attorney
26 Edgardo Gonzalez, whose address is 1300 Clay Street, Suite 600, Oakland, CA 94612.

27 3. On or about July 8, 2002, the Board of Registered Nursing issued Registered Nurse
28 License No. 601549 to Haydee Madrigal, RN (Respondent). The Registered Nurse License was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 2010-7 and
2 will expire on May 31, 2010, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2010-7 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on July 14,
7 2009. Respondent failed to file a Notice of Defense and on December 3, 2009, a Default
8 Decision was entered revoking Respondent's license. Respondent timely filed a motion to vacate
9 the Default Decision and Order. On December 16, 2009, the Board set aside the Default
10 Decision. On December 10, 2009, Respondent filed her Notice of Defense contesting the
11 Accusation. A copy of Accusation No. 2010-7 is attached as Exhibit A and incorporated herein
12 by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 2010-7. Respondent has also carefully read, fully
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
17 Order.

18 6. Respondent is fully aware of her legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
20 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
21 to the issuance of subpoenas to compel the attendance of witnesses and the production of
22 documents; the right to reconsideration and court review of an adverse decision; and all other
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2010-7.

4 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
5 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
6 below.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Board of Registered Nursing.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
10 Registered Nursing may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or her counsel. By signing the
12 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
19 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
20 effect as the originals.

21 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 writing executed by an authorized representative of each of the parties.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 601549 issued to Respondent Haydee Madrigal, RN is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

1 **3. Report in Person.** Respondent, during the period of probation, shall appear in person
2 at interviews/meetings as directed by the Board or its designated representatives.

3 **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or practice
4 as a registered nurse outside of California shall not apply toward a reduction of this probation
5 time period. Respondent's probation is tolled, if and when she resides outside of California.
6 Respondent must provide written notice to the Board within 15 days of any change of residency
7 or practice outside the state, and within 30 days prior to re-establishing residency or returning to
8 practice in this state.

9 Respondent shall provide a list of all states and territories where she has ever been licensed
10 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
11 information regarding the status of each license and any changes in such license status during the
12 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
13 license during the term of probation.

14 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit or
15 cause to be submitted such written reports/declarations and verification of actions under penalty
16 of perjury, as required by the Board. These reports/declarations shall contain statements relative
17 to Respondent's compliance with all the conditions of the Board's Probation Program.
18 Respondent shall immediately execute all release of information forms as may be required by the
19 Board or its representatives.

20 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
21 state and territory in which she has a registered nurse license.

22 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
23 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
24 6 consecutive months or as determined by the Board.

25 For purposes of compliance with the section, "engage in the practice of registered nursing"
26 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
27 non-direct patient care position that requires licensure as a registered nurse.

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1 The Board may require that advanced practice nurses engage in advanced practice nursing
2 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

3 If Respondent has not complied with this condition during the probationary term, and
4 Respondent has presented sufficient documentation of her good faith efforts to comply with this
5 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
6 extension of Respondent's probation period up to one year without further hearing in order to
7 comply with this condition. During the one year extension, all original conditions of probation
8 shall apply.

9 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain prior
10 approval from the Board before commencing or continuing any employment, paid or voluntary,
11 as a registered nurse. Respondent shall cause to be submitted to the Board all performance
12 evaluations and other employment related reports as a registered nurse upon request of the Board.

13 Respondent shall provide a copy of this Decision to her employer and immediate
14 supervisors prior to commencement of any nursing or other health care related employment.

15 In addition to the above, Respondent shall notify the Board in writing within seventy-two
16 (72) hours after she obtains any nursing or other health care related employment. Respondent
17 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
18 separated, regardless of cause, from any nursing, or other health care related employment with a
19 full explanation of the circumstances surrounding the termination or separation.

20 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
21 Respondent's level of supervision and/or collaboration before commencing or continuing any
22 employment as a registered nurse, or education and training that includes patient care.

23 Respondent shall practice only under the direct supervision of a registered nurse in good
24 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
25 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
26 approved.

27 Respondent's level of supervision and/or collaboration may include, but is not limited to the
28 following:

1 (a) Maximum - The individual providing supervision and/or collaboration is present in
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care
8 setting, the individual providing supervision and/or collaboration shall have person-to-person
9 communication with Respondent as required by the Board each work day. Respondent shall
10 maintain telephone or other telecommunication contact with the individual providing supervision
11 and/or collaboration as required by the Board during each work day. The individual providing
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
18 registered nursing supervision and other protections for home visits have been approved by the
19 Board. Respondent shall not work in any other registered nursing occupation where home visits
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six
5 months prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the
8 above required course(s). The Board shall return the original documents to Respondent after
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$4,378.80. Respondent shall be permitted to pay these costs in a payment plan
13 approved by the Board, with payments to be completed no later than three months prior to the end
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare
26 an accusation or petition to revoke probation against Respondent's license, the probationary
27 period shall automatically be extended and shall not expire until the accusation or petition has
28 been acted upon by the Board.

1 13. License Surrender. During Respondent's term of probation, if she ceases practicing
2 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
3 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
4 Respondent's request and to exercise its discretion whether to grant the request, or to take any
5 other action deemed appropriate and reasonable under the circumstances, without further hearing.
6 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
7 subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and shall
9 become a part of Respondent's license history with the Board. A registered nurse whose license
10 has been surrendered may petition the Board for reinstatement no sooner than the following
11 minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any reason other
13 than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Edgardo Gonzalez. I understand the stipulation and the effect it
18 will have on my Registered Nurse License. I enter into this Stipulated Settlement and
19 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
20 Decision and Order of the Board of Registered Nursing.

21
22 DATED: 2/25/10


23 
24 HAYDEE MADRIGAL, RN
25 Respondent
26
27
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1 I have read and fully discussed with Respondent Haydee Madrigal, RN the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: 2/25/10 
5 EDGARDO GONZALEZ
6 Attorney for Respondent
7


8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
11 Affairs.

12 Dated: 2-25-10

Respectfully Submitted,

13 EDMUND G. BROWN JR.
14 Attorney General of California
15 LINDA K. SCHNEIDER
16 Supervising Deputy Attorney General

17 
18 RITA M. LANE
19 Deputy Attorney General
20 Attorneys for Complainant

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Exhibit A

Accusation No. 2010-7

1 EDMUND G. BROWN JR.
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2 LINDA K. SCHNEIDER
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Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **HAYDEE MADRIGAL**
13 **502 J Street**
14 **Latrhop, CA 95330**

15 **Registered Nurse License No. 601549**

16 Respondent.

Case No. 2010-7

A C C U S A T I O N

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about July 8, 2002, the Board of Registered Nursing issued Registered Nurse
24 License Number 601549 to Haydee Madrigal (Respondent). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on May
26 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

8. California Code of Regulations, title 16, section 1443.5 states:

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

1 (2) Formulates a care plan, in collaboration with the client, which ensures
2 that direct and indirect nursing care services provide for the client's safety,
3 comfort, hygiene, and protection, and for disease prevention and restorative
4 measures.

5 (3) Performs skills essential to the kind of nursing action to be taken,
6 explains the health treatment to the client and family and teaches the client and
7 family how to care for the client's health needs.

8 (4) Delegates tasks to subordinates based on the legal scopes of practice of
9 the subordinates and on the preparation and capability needed in the tasks to be
10 delegated, and effectively supervises nursing care being given by subordinates.

11 (5) Evaluates the effectiveness of the care plan through observation of the
12 client's physical condition and behavior, signs and symptoms of illness, and
13 reactions to treatment and through communication with the client and health team
14 members, and modifies the plan as needed.

15 (6) Acts as the client's advocate, as circumstances require, by initiating
16 action to improve health care or to change decisions or activities which are against
17 the interests or wishes of the client, and by giving the client the opportunity to
18 make informed decisions about health care before it is provided.

19 COST RECOVERY

20 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 STATEMENT OF FACTS

25 10. Patient D.D., a 61 year old African-American female, was admitted to the University
26 of California, San Diego (UCSD), Medical Center, Intensive Care Unit (ICU) from June 5, 2003
27 to July 4, 2003. Patient D.D. was admitted to the ICU with multiple medical problems. She had
28 a history of morbid obesity (325 pounds) with some disability. Patient D.D.'s medical records
indicate that patient D.D. had been sitting in a chair for two straight days prior to being admitted
to the hospital. Her medical records also note that patient D.D.'s skin was intact on admission to
the ICU.

11. On June 7, 2003, patient D.D. was placed in a Bariatric bed (adjustable bed for larger,
overweight patients).

///

1 12. On June 8, 2003, in the Physician Progress Notes, patient D.D. was diagnosed with
2 Deep Vein Thrombosis.

3 13. On June 9, 2003, ankle blisters and lower extremity bullae (blisters) were noted in
4 the Physician Progress Notes for patient D.D. Later that day, patient D.D. underwent surgery for
5 incision and drainage of an abscess of the medial left leg, exploratory fasciotomies medial and
6 lateral left leg and aspiration of the ankle joint.

7 14. On June 9, 2003, from 7:00 p.m. to June 10, 2003 at 7:00 a.m., Respondent took care
8 of patient D.D. while she was in the ICU.

9 15. On June 11, 2003, the first documentation of a Stage 1 skin tear on patient D.D.'s
10 coccyx was noted on the skin diagram on the Nursing ICU flow sheet. Patient D.D. was assessed
11 as a low risk under the Braden Skin Risk Assessment scale for predicting pressure ulcer risk. An
12 Allevyn dressing was applied at that time.

13 16. On June 12, 2003, a skin tear on the right buttock was listed as a Stage 2 pressure
14 ulcer on the Nursing ICU flow sheet. That day, patient D.D. was assessed as a high risk using the
15 Braden Skin Risk Assessment scale.

16 ~~FIRST CAUSE FOR DISCIPLINE~~

17 (Incompetence)

18 17. Respondent is subject to disciplinary action under section Code section 2761,
19 subdivision (a)(1), on the grounds of unprofessional conduct, in that on her shift from 7:00 p.m.
20 on June 9, 2003 to 7:00 a.m. on June 10, 2003, Respondent was incompetent in her care of patient
21 D.D. within the meaning of Regulation 1443, as follows:

22 18. Respondent did not initiate a request for a specialty bed to relieve pressure for patient
23 D.D. Respondent failed to carry out her professional nursing obligations to identify when to use a
24 special bed with pressure relief to prevent or prevent further development of skin breakdown on
25 patient D.D., showing a lack of knowledge. Respondent did not indicate that she knew the
26 difference between a "bariatric bed" and a "specialty bariatric bed." On June 9, 2003, patient
27 D.D. was on a bariatric bed, used for obese patients, but not providing pressure relief.
28

19. Respondent failed to acknowledge patient D.D.'s low serum albumin score and did not institute a plan for care or document the patient's high risk for skin breakdown, even when patient D.D. had surgery for lower extremity skin integrity issues. Respondent was incompetent because she lacked the knowledge or the ability to carry out professional nursing obligations during her shift. Respondent did not assess or use critical thinking skills. Respondent did not formulate plans and interventions for a low serum albumin level, which placed patient D.D. at an increased risk for further skin breakdown.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

20. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that on her shift from 7:00 p.m. on June 9, 2003 to 7:00 a.m. on June 10, 2003, Respondent committed acts constituting negligence in her care of patient D.D. as follows:

21. Respondent failed to provide basic skills that provide for the safety, comfort, hygiene and protection of patient D.D. During her shift, Respondent failed to document under "Treatment/Procedures" on the ICU flow sheet, that a bath was given, or that pericare, Foley-care or skin care was given to patient D.D. Additionally, in the "Activity" section under "Treatment/Procedures," Respondent left that area blank. Respondent did not enter that patient D.D. was turned or moved during her shift. Under "Pulmonary," Respondent did not document that she listened to or auscultated patient D.D.'s posterior pulmonary area. Respondent did not write in breath sounds posteriorly. Respondent failed to chart anything in the "Skin Integrity" section in patient D.D.'s medical record. Respondent did not mark the body chart on the ICU flow sheet and did not complete the Braden Skin Risk Assessment Scale for patient D.D. during her shift. Respondent failed to plan professional nursing interventions to prevent further skin integrity deterioration based on a totaled Braden Skin Risk Assessment Scale Score for patient D.D.

22. When Respondent charted in the "Shift Assessment" section under "Cardiovascular" for "Edema" in patient D.D.'s medical records, Respondent left the area blank. This section

1 included the extremity pulses. Respondent did not address or document there were problems with
2 patient D.D.'s dorsalis pedis, even though patient D.D. had many skin integrity issues on her
3 extremities. Respondent did not document nursing physical assessments after patient D.D. was
4 returned to ICU from surgery. Respondent was negligent due to her failure to complete the
5 nursing and skin assessments in the "Cardiovascular," "Integumentary" and "Musculoskeletal"
6 sections of the ICU flow sheet. Respondent exhibited a lack of direct nursing care, lack of
7 observation and lack of assessments. Respondent's lack of documentation and assessments
8 during her shift did not show assessment or acknowledgement of patient D.D.'s risks and medical
9 issues.

10 23. Respondent was negligent because she displayed a lack of attention to patient D.D.'s
11 elevated temperature pre and post-operative. Prior to patient D.D. leaving for surgery on June 9,
12 2003, she had an elevated temperature of 101.5, 101.3, 100.7, 99.7 and 101 degrees Fahrenheit.
13 When patient D.D. returned to ICU after surgery at 8:45 p.m., Respondent recorded only one
14 temperature reading for patient D.D. during her shift of 97.5 degrees Fahrenheit at 9:00 p.m.
15 Respondent failed to interpret information or results from the previous shift concerning the
16 surgery or the elevated temperatures before or after the surgery.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 601549, issued to Haydee
21 Madrigal;

22 2. Ordering Haydee Madrigal to pay the Board of Registered Nursing the reasonable
23 costs of the investigation and enforcement of this case, pursuant to Business and Professions
24 Code section 125.3; and

25 ///

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27 ///

28 ///

3. Taking such other and further action as deemed necessary and proper.

DATED:

7/14/09

Ruth Ann Terry

RUTH ANN TERRY, M.P.H., R.N.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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